

## REMARKS

Claims 1-30 were pending at the time of the last examination, are not amendment in this response, and thus remain pending. The Office Action rejected each of the Claims 1-30 either as being directly anticipated by United States patent application publication number 2002/0111163 A1 (hereinafter referred to simply as "Hamabe"), or as being unpatentable over the Hamabe in view of United States patent application publication number 2002/0016190 A1 (hereinafter referred to simply as "Higuchi").

The Office Action rejects Claims 1-22, 24, 26 and 28-30 (which includes all of the pending independent claims) under 35 U.S.C. §102(e) as being anticipated by Hamabe. Hamabe discloses a method of preventing degradation in communication quality caused by interference of adjacent frequencies. Such adjacent frequencies may often occur in an environment in which there are independent cellular systems which use carrier frequencies that are adjacent to each other. However, each of the pending independent claims recites a step of measuring or controlling "a frequency of searching for a new perch channel" (emphasis added). In stark contrast, Hamabe does not appear to have any description the determining or controlling of a frequency of searching for a new perch channel. Applicants respectfully submit that the Office Action may be mistakenly intermingling the concept of "a frequency of searching for a new perch channel" for "the frequency of a new perch channel itself". Each dependent claim is likewise not anticipated by Hamabe at least based on dependency from its corresponding independent claim. Accordingly, withdrawal of the 35 U.S.C. §102(e) rejection is respectfully requested.

Higuchi, which is cited for showing that intermittent reception is well known in the art, also does not disclose the recited features that a frequency of searching for a new perch channel is determined (or controlled) in response to measured receiving quality of a perch channel. Therefore none of the pending claims are unpatentable over Hamabe or Higuchi, whether singly or in combination. Accordingly, withdrawal of the 35 U.S.C. §103(a) rejection is likewise appropriate and requested.

### Response to Office Action assertions regarding the rejection

The Office Action asserts that Hamabe discloses the pending Claims 1, 13 and 28 in paragraphs [0068], [0070] and [0078]. However, there is no description either in these

paragraphs or seemingly in Hamabe as a whole regarding measuring or controlling a frequency of searching for a new perch channel in response to measured receiving quality (for example, received power) of a perch channel.

Also, the Office Action asserts that paragraph [0073] of Hamabe discloses the features of Claims 2 and 14 (in a case where receiving quality is received power). In this cited passage, there is description that with the movement of the mobile station, when the base station whose median of the received power of the perch channel is at a maximum is ranged others, a handover is performed. There is no description regarding determining a frequency of searching for a new perch channel.

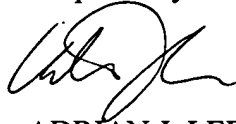
The Office Action asserts that Hamabe discloses the pending Claims 11, 24 and 29 in paragraphs [0066], [0068], [0073], [0074], [0083] and [0084]. However, Hamabe does not disclose a feature of the present invention of claims 11, 24 and 29 that a frequency of searching for a new perch channel is controlled in response to the lowest transmission power of measured transmission power (transmission power at time of transmitting a signal to a base station that a mobile station currently communicate with or is currently standby for) such that when the lowest transmission power is high, the frequency of searching for a new perch channel is high, whereas when the lowest transmission power is low, the frequency of searching for a new perch channel is low. Regarding transmission power, these passages of Hamabe simply describes that base stations control the transmission power of uplink channels in the paragraph [0074]. Higuchi likewise does not disclose this feature.

The Office Action asserts that Hamabe discloses the pending Claims 12, 26 and 30 in paragraphs [0211], [0212], and [0213]. However, Hamabe does not disclose a feature of the present invention of claims 12, 26 and 30 that a frequency of searching for a new perch channel is controlled in response to a detected moving speed such that when the moving speed is high, the frequency of searching for a new perch channel is high, whereas when the moving speed is low, the frequency of searching for a new perch channel is low. In paragraphs [0211]-[0213], Hamabe merely describes that when the estimated movement speed is larger than the threshold speed, a non-adjacent carrier frequency is allocated, and when the estimated movement speed is equal to or less than the threshold speed, the carrier frequency is set by the method described in Figure 14 of Hamabe. Higuchi also does not disclose this feature.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 6<sup>th</sup> day of June, 2003.

Respectfully submitted,



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